

**WILLIAMSBURG CITY COUNCIL  
WORK SESSION MINUTES  
November 12, 2002**

The Williamsburg City Council held a work session on November 12, 2002, at 2:00 p.m. in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Nester, Serra, Walentisch, Yost, and Assistant City Manager Jodi Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order. She welcomed recently appointed Mr. Billy S. Scruggs to his first Council meeting.

**OPEN FORUM**

Mayor Zeidler opened the session for public comment.

**Ms. Lucie Vinciguerra, 727 Richmond Road**, addressed Council regarding the rental registration and inspection regulations. She stated the regulations were unfair because they were limited to certain neighborhoods, and she thought that they should be applied across the board. The regulations are an invasion of privacy, and may affect long-term renters, increase rents, and may force people to share rental space. She was concerned that her apartment would have to be inspected each time a new renter moved into the apartment above her. She asked that Council find another way of dealing with student renters and another way that does not impact all long-term renters.

**Jim McCord, 611 Richmond Road**, addressed Council in support of the rental registration and inspection program. Single-family residences are being converted to rentals. Rental housing should be strictly regulated as businesses. The turn over to rentals is great and brings problems with parking, noise, etc.; more than with single-family use. Many landlords have no concern about these neighborhoods. The College should have more on-campus housing. He endorsed the Zoning Code and more positive ways to preserve single owner-occupied homes. Our residential neighborhoods are essential to the overall health of the city.

**Mr. Phil Victor, 732 Scotland Street, Queen and King Apartments**, spoke in opposition to the rental ordinance. He asked why certain areas are being singled out? What is the real problem? The ordinance is discriminatory against renters. Rental housing is essential for the city to prosper and essential for students. He felt rents would increase as a result of the regulations. No "Code of Conduct" exists for students—he cited one on the University of Virginia website, the "Cavalier Tenants Association." Council members were provided with a copy.

**Charlene Talcott, James City County**, addressed Council regarding the rental ordinance. Many of the rental houses are not “slums” and are maintained. Many single-family residences are being converted for students or unrelated adults. Three unrelated adults are irrelevant.

**Mike Putt, 103 Sharps Road, JCC**, spoke regarding the rental ordinance. He would like to see the complaints on record. He believed laws existed already and asked why create more regulations to punish landlords. The tenants will be hurt and rents will increase. He suggested a committee to work on this issue. The city should enforce the maintenance of property under its current laws.

**Pam Blank, Berkeley Realty Property Management**, addressed Council regarding the rental regulations. If there is a problem, is this new ordinance the right way to solve it? There might be privacy issues and asked what good would it do to inspect a vacant unit when the issues are noise, trash, and such. This does not provide a solution. She was opposed to the mandatory regulation and annual inspection of properties.

**Charles Glazner, 112 Maxwell Place**, commented about the rental regulations. The proposed ordinance is in conflict with the Dillon Rule and questioned its legality. He addressed the number of code violations over the past ten years. More bureaucracy is not needed. What is needed is more aggressive enforcement of the existing ordinance. The proposed regulations are discriminatory. He believed the proposed regulations would be over turned on constitutional grounds. Council should take the time to get a second opinion. Passing this ordinance, and then having it overturned is criminal. Council’s reputation and credibility are at stake.

**Henry Coleman, 606 College Terrace**, commended Council for addressing the rental issue. The regulations apply to all renters of property, not just students, and are not discriminatory and not illegal. New regulations are needed because there are many violations, and many violations are not reported to the city. The new regulations will make it easier to address problems. Rentals are a way of livelihood and should be governed as businesses, with regulations and rules. Council should protect the rights of all. The ordinance could be revised at a later date and adjusted, if needed. He thanked Council for their time and wished them the best of success.

**Fredericka Teute, 511 Newport Avenue**, said people should decide whether they want to pay more taxes or fees. She was glad Council was addressing this issue now. Williamsburg is a fine place to live and should be cherished and protected. She cited Miami of Ohio as an example of how rental properties can get out of hand in a college town. She was pleased that Council was taking measures to preserve the mixed quality of the community.

**Nancy Harris, 111 Indian Springs**, owns apartments across the street from her home and actively manages them. They are kept in pristine order. She applauded Council’s efforts to address rentals. It is clear that Council has been diligent in turning Williamsburg into a place to be proud of. She was unsure about the proposed conservation areas and thought the regulations should apply to all rentals. Council should be cautious about designation. Students should be educated about renter responsibilities. She applauded the measure, but was not sure it was fair to all.

No one else wished to speak. The session was closed.

Mayor Zeidler stated a second open forum would be held at the end of the meeting. She noted that this matter would be on the Thursday agenda.

## **BACKGROUND PRESENTATIONS/DISCUSSIONS**

### **Review of Goals and Initiatives for the Biennium 2002-2004**

Reference for this item was Mr. Tuttle's report dated November 7, 2002. Mr. Tuttle said this item was on the November 14 agenda for action. As a result of the last Council meeting, several initiatives were added or reworded in the draft. The IDA suggested that Council consider two items be added to the Goals and Initiatives: work towards the development of a botanical garden, and explore alternative ways of funding to increase the promotion of Williamsburg.

Mr. Tuttle clarified for Mr. Houghland that the Waller Mill Park outdoor gathering area was a project to be explored, but there was no funding for the project. While the location was not good for the former restroom facility, it may be for a single outdoor structure.

Mayor Zeidler suggested language be added to the document to address anti-litter and public awareness. Mayor Zeidler said this item would be on the Thursday agenda.

Mr. Scruggs said he would comment on the Goals and Initiatives at the Thursday meeting.

The Mayor asked Mr. Tuttle to put the IDA's two suggestions in draft form for Council's consideration at the regular meeting as to whether to delete or add them to the G & I.

### **Status Report on Impact of State Budget Cuts, Phil Serra, Director of Finance**

Phil Serra gave Council an update on the impact of State Budget Reductions using an overhead presentation (see attached). He reviewed the direct and indirect impact on the city caused by the Governor's budget cuts. More budget cuts are expected on December 20 when the Governor's new budget is released. Mr. Serra will report again at Council's January work session. Mr. Serra noted that the city's Human Service Department has not been affected so far, and there have been no cuts in education funding.

Mr. Tuttle responded to Mr. Tabb that the State has preserved funding for criminal institutions, but there could be cuts in funding for regional jails, and localities may have to make up for cuts in State funding.

Mr. Scruggs and Mr. Serra discussed funding for shared services and loss of revenues. Mr. Serra said currently the County pays approximately 80% and the city 19%. Mr. Tuttle said that currently agencies are absorbing cuts in funding, but next year there could be even more cuts.

Mr. Haulman commented that Council could react to cuts in its FY 2004 budget, better than in the FY 2003 budget. The city will be fair and flexible in dealing with the cuts. The Mayor said the city's position as stated in its Legislative Agenda is that it will not replace funding cut in the State budget.

**Local Travel Industry Performance, Update by David Schulte, Executive Director, Williamsburg Area Convention and Visitors Bureau**

Mr. David Schulte, Executive Director of the Convention and Visitors Bureau, provided Council with information regarding local travel industry performance and challenges.

He reviewed the following using overhead transparencies:

1. Hotel Sales 2000 versus 2001 (prior to September 11)
2. Hotel Sales 2001-September 2002
3. September Hotel Room Sales in 2000, 2001, 2002
4. 2002 Vacation Trends
5. Vacation Trends
6. Destinations
7. Hotel Room Sales (rooms sold/occupancy rate)
8. Beach Destinations (including cruise business)
9. Challenges of Tourism
10. Domestic Travel—Spending Forecast
11. Strategies for 2003, which included increase vacation packages, capitalize on travel media interest, focus on conference sales, assure student and adult groups of safe travel, and lobby the General Assembly for tourism funding.

Mr. Schulte commented that there was concern about cuts in tourism development. The Convention and Visitors Bureau has been working with its partners to find more money for advertising and increasing conference group meetings.

Mr. Schulte appreciated Council's support. Mayor Zeidler thanked Mr. Schulte for his presentation.

**Status Report on Rental Housing Inspection and Registration Program**

Reference for this item was Mr. Tuttle's report dated November 6, 2002. Mr. Tuttle reviewed the evolution of this proposed ordinance from May 2002 to date. Council received public comment during June and July. Since August, staff has continued to refine the ordinance. Using an overhead map, he pointed out the defined Housing Conservation Districts, the areas most at risk and in need of special attention. Using a flow chart, Mr. Tuttle reviewed the rental housing registration and inspection program process, and highlights of the ordinance. He noted that Council has not yet decided on the appropriate fees.

Mayor Zeidler asked Mr. Phillips about this proposed ordinance being in conflict with the Dillon Rule, and if it is discriminatory.

Mr. Phillips responded that this program is not in conflict with the Dillon Rule. It is an imprecise rule in its application. Local governments have under Dillon an implied inherent authority to take such actions necessary to carry out powers granted to them by the General Assembly (Section 36-105 of the State Code). It states that localities can impose rental inspection programs in certain conservation areas. It does not dictate how it is to be done. In order to make it function properly, the city needs to know the names of owners and tenants. As to the program being discriminatory, the city has been given the authority under the constitution to make reasonable distinctions in its application of its laws. For example, localities divide their areas into numerous zones. This is an inherent power of local government to make

discriminatory decisions if there is supportable rationale for them.

Mr. Tuttle commented that other localities have this type of rental inspection program—Lynchburg, Norfolk, and Blacksburg. In Blacksburg, the program was well received and is considered successful. Owners of rental property have benefited. The inspection fees have been low and absorbed by the general fund. Mr. Catlett added that Alexandria has a program, and in Front Royal the inspection program is instituted through their electric power program. Inspections must be performed before the electricity is turned on. The City of Hampton is considering a program.

Mr. Tuttle said it was fair to assume that the cost of registration and inspection would be passed on to renters. The owner should pay improvement costs. The inspection fees charged would help to cover the cost of inspectors. Mr. Catlett explained that inspectors would be cross-trained in the property maintenance code, which were minimal standards. He addressed the difference between correction and violation notices and how he anticipated the program would work.

Mr. Houghland believed Council should come to a conclusion about the fee structure by the Thursday meeting.

Mr. Phillips responded to Mr. Tabb that if the legality of the ordinance were challenged, suit would be filed in the Circuit Court for a ruling, and then could go on to the Supreme Court.

Mr. Phillips clarified for Mr. Scruggs that this ordinance is not aimed at zoning enforcement (number of people living in a house), but rather the ordinance thrust is to health and building safety. An occupant must give permission to enter a home, and most inspections will be done when property is vacant. City Code does not determine who is responsible for repairs to a property. The property owner could stipulate those provisions to the tenant by lease.

Mr. Haulman commented that the purpose of this ordinance is to protect and enhance neighborhoods. The community as a whole should bear the cost as part of the General Fund, rather than fees. The ordinance has two parts: registration and inspection. The Sharpe Students are preparing a handbook for off-campus student renters. It will take the education and work of everyone together to make this program succeed.

Mr. Phillips responded to Ms. Zeidler that if there is a change of occupancy in a rental, notification of the vacancy is required within 30 days.

Mayor Zeidler said this item would be on the November 14 agenda.

#### **PREVIEW OF CITY COUNCIL MEETING –November 14, 2002**

Council members received a copy of the agenda, but no additional information was requested.

#### **SCHEDULE OF MEETINGS—November 2002**

Council members received a copy of the November meeting calendar.

#### **OPEN FORUM**

Mayor Zeidler opened the session for public comment.

**Mike Putt, 103 Sharps Road**, commented that laws already exist; why not enforce them.

**Pam Blank, Berkeley Realty Property Management**, said that she was confused. She was of the opinion that this ordinance was about occupancy, not upkeep, and not about safety and health. How many violations had been given for safety and health issues? She was not sure why this ordinance was needed.

**Charlene Tillcott, James City County**, asked that if the ordinance is adopted, that Council give owners at least six months to assess their properties. The first inspection should be free or at a lower cost.

**Ms. Lucie Vinciguerra, 727 Richmond Road** was of the opinion that it made no sense to limit interior inspections of rental properties to the conservation areas.

No one else wished to speak. The session was closed.

### **CLOSED SESSION**

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1 concerning Board and Commission Appointments, one property matter per subparagraph 3 regarding disposition of property in the High Street Area, property of which discussion in an open meeting would adversely affect bargaining position or negotiating strategy of public body, and one legal matter per subparagraph 7 for the purpose of consultation on specific legal matters requiring the provision of legal advice by counsel, concerning adjustment of city boundaries. The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Houghland, Tabb

No: None

The meeting adjourned at 4:17 p.m. (Mayor Zeidler called a five-minute recess.)

At 4:56 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

### **CERTIFICATION OF CLOSED MEETING**

Date: November 12, 2002

Motion: Mr. Houghland; Second: Mr. Tabb

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:57 p.m.

Approved: December 12, 2002

Jeanne Zeidler, Mayor

Shelia Y. Crist  
Clerk of Council